

# EXHIBIT 9

8/25

ORIGINAL

**FILED**  
LOS ANGELES SUPERIOR COURT

OCT 07 2003

JOHN A. CLARKE, CLERK  
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Attorneys for MARK WARREN PEARY,  
Petitioner

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

In the Matter of the Estate of  
  
JOSEPH SHUSTER, also known as JOE  
SHUSTER,  
  
Deceased.

NO. BP-080635

**ORDER ADMITTING WILL TO  
PROBATE, APPOINTING EXECUTOR  
AND AUTHORIZING INDEPENDENT  
ADMINISTRATION OF ESTATE WITH  
LIMITED AUTHORITY**

**Hearing Date: 8-25-03  
Dept. 5 at 9:15 a.m.**

Petitioner, MARK WARREN PEARY, filed his petition for probate of will and for letters testamentary and for authorization to administer estate under the Independent Administration of Estates Act with limited authority of the estate of Joseph Shuster, also known as Joe Shuster, deceased (the "decedent"), and such petition came on regularly for hearing and approval by the Court at 9:15 a.m. on August 25, 2003, in Department 5 of the above-entitled Court, the Honorable H. RONALD HAUPTMAN, Judge Pro Tem presiding. JOHN D. PETTKER of Rodi, Pollock, Pettker, Galbraith & Cahill, A Law Corporation, appeared as the attorney for petitioner, and no one appeared in opposition.

On evidence given to the satisfaction of the Court, THE COURT FINDS THAT:

1. All notices required by law have been given.

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2. The decedent died on July 30, 1992, a resident of the County of Los Angeles, State of California.

3. The decedent died testate, leaving a will dated June 28, 1988. This will has never been revoked but was lost or inadvertently destroyed. Such will is admitted to probate by Minute Order on August 25, 2003, as the decedent's last Will, and its provisions are as follows:

## LAST WILL AND TESTAMENT OF

KNOW ALL PERSONS BY THESE PRESENTS:

### I

That, I JOSEPH SHUSTER, of W. Los Angeles, California, being of sound and disposing mind and memory, and not acting under duress, menace, fraud or the undue influence of any person whomsoever, do make, publish and declare this my Last Will and Testament.

I hereby declare that I am the brother of JEAN ADELE PEAUVY at the time of the execution of this Will.

### II

I make no bequest, gift or devise to my children named in Paragraph I, or to any other child or children hereafter born to or adopted by me, except as hereinafter stated, knowing their N/A will provide for them.

### III

I hereby direct and order that all just debts for which proper claims are filed against my estate, and the expenses of my last illness and funeral, be paid by my executrix as soon after my death as is practicable; provided, however, that this direction shall not authorize any creditor to require payment of any debt or obligation prior to its normal maturity in due course.

### IV

I give devise and bequeath unto JEAN ADELE PEAUVY all of the rest, residue and remainder of my estate, whether real or personal, and wheresoever situated. In the event that Jean Adele Peavy shall predecease me, or in the event that both Jean Adele Peavy and I shall die as a

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1 result of a common accident, illness or disaster, then I give, devise and bequeath the residue and  
 2 remainder of my estate to my nephew, MARK WARREN PEARY.

3 V

4 I hereby nominate and appoint my sister, Jean Adele Peavy, executrix of this my Last Will  
 5 and Testament, to act without bond. In the event that my sister is for any reason unable or  
 6 unwilling to act as executrix hereof, I nominate and appoint Mark Warren Peary to act as executor,  
 7 also without bond.

8 VI

9 I further direct that my estate be settled without the intervention of any court, except to the  
 10 extent required by law, and that my executrix settle my estate in such a manner as shall seem best  
 11 and most conveniently to her, and I hereby empower my executrix to mortgage, lease, sell,  
 12 exchange and convey the personal and real property of my estate without an order of court for that  
 13 purpose and without notice, approval or confirmation and in all other respects to administer and  
 14 settle my estate without the intervention of court.

15 VII

16 I hereby revoke any and all former Wills and Codicils thereto made by me and declare this  
 17 my Last Will and Testament.

18 In Witness Whereof I have hereunto set my hand this 28<sup>th</sup> day of June, 1988.

19  
 20 JOSEPH SHUSTER  
 Testator

21 STATE OF CALIFORNIA )  
 ) ss.  
 22 COUNTY OF LOS ANGELES )

23 Each of the undersigned, being first duly sworn on oath, states that on this 28<sup>th</sup> day of June,  
 24 1988:

25 (1) I am over the age of eighteen (18) years and competent to be a Witness to the Will  
 26 of JOSEPH SHUSTER (the Testator);

27 (2) The Testator, in my presence and in the presence of the other Witnesses whose  
 28 signatures appear below:

(a) Declared the foregoing instrument consisting of one pages, of which this is the last to be his Will;

(b) Requested me and the other Witnesses to act as Witnesses to his Will and to make this affidavit; and

(c) Signed such instrument;

(3) I believe the Testator to be of sound mind, and that in so declaring and signing, he was not acting under any duress, menace, fraud, or undue influence;

(4) The other witnesses and I, in the presence of the Testator and of each other now affix our signatures as Witnesses to the Will and make this affidavit.

Tom Fenaughty

Robert Williams

3374 Overland Ave., #1

3545 Mentone Ave. #3

Los Angeles, CA 90064

Los Angeles, California 90034

SUBSCRIBED & SWORN to before me this 28<sup>th</sup> day of June, 1988.

[NOTARIAL SEAL]

F. PATRICK HAGERTY  
Notary Public in and for the State of California,  
residing at Santa Monica, Calif.

#### THE COURT ORDERS:

1. MARK WARREN PEARY is appointed Executor of the decedent's Will recited above, and letters testamentary shall issue on qualification.

2. The Executor is granted limited authority to administer the estate under the Independent Administration of Estates Act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).

3. The Executor is also granted the following special power in addition to the general powers conferred upon him by law and under the Independent Administration of Estates Act: The power to terminate prior transfers of the decedent's copyright(s) pursuant to Section §304(d) of the United States Copyright Act, 17 U.S.C. §304(d), incorporating without limitation 17 U.S.C. §304(c)(2)(D), and to maintain and defend on behalf of the decedent and the estate all proceedings necessary or appropriate in connection with this action.

4. Bond is fixed at \$6,000.00.

Dated: \_\_\_\_\_

~~\_\_\_\_\_~~

**OCT 07 2003**

Judge Pro Tem of the Superior Court

H. RONALD HAUPTMAN,  
JUDGE PRO TEM

*[Signature]*

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